

1
2
3
4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**


6 UNITED STATES OF AMERICA,)
7 Plaintiff,) Case No. 2:17-cr-112-JAD-GWF
8 vs.) **ORDER**
9)
10 DESTRY ALLEN DANIELS,)
11 Defendant.)
12 _____

13 This matter is before the Court on the Government's Motion to Strike (ECF No. 25), filed on
14 June 13, 2017. Defendant filed his Response (ECF No. 26) on June 27, 2017. The Government filed
15 its Reply (ECF No. 27) on July 5, 2017.

16 The Government requests that the Court strike Defendant's Notice of Assertion of Right to be
17 Present in Court Unshackled (ECF No. 24) as improperly filed. The Court construes Defendant's
18 filing as a notice of an assertion of his right to not be shackled or placed in other physical restraints
19 during any pretrial hearing. Trial is set for September 26, 2017. This matter is not set for hearing on
20 any pretrial motions. The Court, therefore, denies the Government's motion as premature.
21 Accordingly,

22 **IT IS HEREBY ORDERED** that the Government's Motion to Strike (ECF No. 25) is
23 **denied.**

24 DATED this 14th day of August, 2017.

25
26 
27 GEORGE FOLEY, JR.
28 United States Magistrate Judge